



CITY OF DOVER

CITY COUNCIL - MINUTES

Meeting Type: Regular Meeting
Meeting Location: Council Chambers - 288 Central Avenue, Dover, NH 03820
Meeting Date: **Wednesday, July 26, 2006**
Meeting Time: **7:00pm**

1. MOMENT OF SILENCE

2. PLEDGE OF ALLEGIANCE

Councilor Turner led the Pledge of Allegiance.

3. ROLL CALL

Present: Councilor Robert Keays, Mayor Scott Myers, Councilor David Scott, Councilor Dean Trefethen, Councilor Harvey Turner, Councilor Catherine Cheney, Councilor Dennis Ciotti, Councilor Doug DeDe and Deputy Mayor Jason Hindle.

4. PROCLAMATIONS – AWARDS

Mayor Myers presented a proclamation to Thomas Hindle recognizing the 90th Anniversary of the Woodman Institute.

5. SUMMARY OF AGENDA

Mayor Myers stated this is a relatively light agenda with the Verizon Pole License issue to be removed from the table and the Local Government Legislative Policy resolution up for discussion.

6. CITIZEN'S FORUM

Citizens are invited to speak on any issue pertaining to the business of the City of Dover. Statements shall be limited to five minutes.

John Scruton, 99 Sixth Street – discussed the Cocheco Waterfront Development and the proposed condos and hotels stating that this should remain open space and a park for all of the residents. He wants the Council to put in guidelines so that this area cannot become a parking lot, etc. and will remain green space. He stated this issue should go before the voters and at the very least he would like the Council lease the land and not sell it.

Norm Champagne, 13 Church Street – stated he went to the Speak Out Dover at the public library which he has since been told by the Planning Department were sessions that would focus on the Master Plan update, but that wasn't the case. He stated that noise, sidewalks, speeding, historic preservation etc. were discussed and feels that people are misinformed about what these meetings are intended to be and feels there has not been enough publicity letting people know about these meetings and their purpose. He also had been under the impression that the Speak Out Dover meant the same as they had been a few years ago, which were to get input about all issues in Dover and had he known it was only for zoning issues, his wife would certainly not have attended with him.

Ed Bleiler, 28 Isaac Lucas Circle – distributed the definition of corruption and stated he will be back in 2 weeks with all of the examples of corruption in the City. He also wants to formally



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object to the city's violation of his rights for removing him from the Cable Commission which is saying that people can't speak out against the city without being punished. He asked that the ordinance be reviewed by the City Attorney. Also, he feels that the City Manager purposely scheduled the Ward 3 Speak Out Dover session for the same night as the Dover Night Out in an attempt to keep people from speaking out.

Joyal clarified that he did not schedule the Speak Out Dover sessions stating that Councilor Cheney serves on that Committee and should have those concerns directed to her.

Jerry Lynch, 12 Lincoln Street – wants to know where the automobile registration “sub tax” goes.

Joyal will get that information to him.

Phyllis Woods, 1 Barry Street – (see full text of comments in 07/26/06 folder) Discussed the ongoing process of revising the Ethics Ordinance and stated she objects to the section which says “ No councilor or officer, whether elected or appointed, or employee whose salary is paid in whole or in part from the city treasury shall be a party in a lawsuit against the city of Dover....” As this is a violation of the peoples' civil liberties. She concluded by stating that Courts have rules that government officials cannot use the defense that they acted in “good faith” on an attorney's advice. They must go farther and do “due diligence” to ascertain what is right, legal and proper. She asked that they reconsider their actions and remove this portion of the ordinance.

Don Medbury, 3 Covered Bridge Lane – began by discussing a recent vehicular accident involving a City of Dover police cruiser which was totaled on 07/16/06 which was not publicly reported until coincidentally after he had made a “right to know” request on Thursday 07/20 and it then appeared in Foster's on 07/21. Next, referring to Councilor's DeDe's recent comments, he also read a definition of corruption which does not mean illegal and are more along the lines of unethical. He then listed various issues that he feels are examples of corruption in the city i.e. Tolend Road, Police Chief's salary, e-mail server located in the police department, former City Manager Beecher keeping his cell phone, the “fake” search for a city manager for \$17,000, the Wattendorff contract, etc. He concluded by stating that it is a figment of a Councilors imagination that Councilor Scott was speaking badly about the city at a recent event.

Suzanne Medbury, 3 Covered Bridge Lane – stated that the City Manager's report this week looks more like the City Attorney's report and thanked Attorney Krans for his excellent work. She then referred to paragraph 3 of the Attorneys report and its reference to the use of outside consultants, including John Peltonen who also represented Cassella in front of the Supreme Court in 2002 although he has stated that he did not represent Cassella, he did represent New England Waste Management, which Cassella is a part of. She feels there is a conflict of interest with Mr. Peltonen receiving money from the City of Dover and New England Waste Management. She urged the Council to get a new environmental lawyer.

Rick Hebbard, 97 Spruce Lane – stated that back in May he was dismayed at how the Council was treating each other, but now he feels they are working together. Next he discussed the 90th Anniversary of the Woodman Institute stating that the Damn Garrison House which currently sits



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at the Woodman Institute was originally located on Spruce Lane across from Birch Drive. He stated City Manager Joyal recently visited the site along with a direct ancestor. Next, he distributed aerial photos of the waterfront area and the dredge cell which is close to the river. He explained the pictures show that there is erosion occurring from the rain and stated that there should be a plastic liner placed on the dredge cell.

Mary Hebbard, 97 Spruce Lane – discussed past meetings and the discussions of the dredge cell. She stated that she was researching the web for minutes and resolutions etc and would like to see the resolutions from the past meetings still posted on the web. She asked when the decision was made to install pumping equipment at the dredge cell instead of the cap. She stated that she would like to see something in the Manager's Report to keep track of the dredge cell activity.

Seeing no one else wishing to speak, the Mayor closed the Citizen's Forum.

7. PUBLIC HEARINGS - NONE

8. CITY MANAGER'S REPORT

Joyal began by reporting that Blackwater Road is in the process of being repaired and the culvert has been ordered, the wetlands application has been submitted and they hope to have it done late August to mid-September. He mentioned that there was a request to have the city do some work on Cook Road which has been used as a bypass in this area, but because it is a private road, we cannot do the work. Next, he discussed the Arena cooler tower issue that occurred over the weekend when the fan destructed and reported that it is now up and running again.

Keays asked for an update of the sandpit at the Griffin Well.

Joyal stated there was a cease and desist order issued so that no materials can be extracted from the pit and it has been referred to the City Attorney.

Next he discussed the Main Street program to install banners which are being sponsored by businesses and feels they will compliment the downtown.

He then discussed the issue of mosquitoes stating the city has a limited program for dealing with mosquitoes as we do not have the budget, but there are bait traps that are being monitored for Triple E. He urged residents to take the proper precautions and referred people to the State of NH Health and Human Services website for further information.

Finally he discussed the conflicting schedule of National Night Out and the Ward 3 Speak Out Dover and asked the Council to discuss rescheduling Speak Out later in the meeting.

Scott stated he has received several calls on this and suggests rescheduling or adding another Ward 3 session.

Myers stated that this has already been scheduled and people may already be planning on attending so it may be too late to cancel. He would rather add a 2nd session.

Hindle agrees but stated the Planning Board formed the committee and should be the ones to determine whether to add another meeting.

Cheney stated she realized the conflict over the weekend and stated that when they were scheduling these sessions they were trying not to interfere with the Council meeting schedule



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and scheduled them for when the various facilities were available. She stated they were not aware of the Dover Night Out at the time and is looking for input from the Council. She stated that she wants people to attend the Speak Out forums as it is important to have citizen input for the Master Plan.

The consensus of the Council was to add a 2nd session for Ward 3.

Keays went back to discussing the Mast Road Gravel Pit asking how these repairs will be made and where will the money come from.

Joyal stated he wants to know this as well and further explained that they will have to produce an engineered solution to protect the aquifer.

DeDe stated we should cancel the contract to remove the gravel.

Joyal stated it is not the same company.

Ciotti stated he was filling in for Councilor Trefethen on the Planning Board the night this was discussed and it was recommended that the company be shut down as well as having Dean Peschel do a report, which has not been received yet.

Scott stated that several retired people in Ward 3 want copies of the past budgets on file at the library as not all people have computer access. He stated that one of these people noticed that \$500,000 was contributed to the pension fund in 2002 and now it is over 1 million.

Joyal stated this information is already on file at the library and you can also access the internet at the library.

Hindle moved to accept the Manager's Report, seconded by DeDe.
Motion passed on a 9-0 vote.

9. MINUTES

A. MINUTES – WORKSHOP – MAY 31, 2006

Hindle moved to accept and place on file, seconded by Ciotti.
Motion passed on a 9-0 vote.

10. MAYOR'S REPORT

Mayor Myers began by stating that he held his 2nd coffee session at Café on the Corner which he will hold every 8-10 weeks.

Secondly, he stated he attended the jobs event in Somersworth on 07/25/06 along with Beth Thompson. Governor Lynch was a speaker at the event which covered various topics and was the 1st of several being held throughout the State.

Next, he appointed Councilor Trefethen, Councilor DeDe and himself as the Chair of the recently formed Ad Hoc Policy resolution committee and stated they will have a report back by January 10, 2007. He stated these appointments will be approved with the acceptance of his report.

He then stated he attended a groundbreaking ceremony for Heine USA, a German Co. in Enterprise Park which is building an environmentally friendly building. He attended a ribbon cutting for CPW also in Enterprise Park and is an addition to a business that is a recipient of a



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BFA loan and will add more jobs to the city as well. Tonight he attended the Business After-Hours gathering at Jewelry Creations which is put on by the Chamber of Commerce. Other activities include Cocheco Waterfront Development meeting, Woodman Institute 90th Anniversary with Deputy Mayor Hindle appearing in costume and a reception that night with Councilors Scott and Manager Joyal also in attendance.

Finally he reminded everyone of the next Speak Out Dover session for Ward 4 at Garrison Elementary School and the Dover Night Out being held on July 27th beginning at 4:00 p.m. which is put on by the Dover Coalition for Youth in conjunction with the Dover Police Department.

Hindle moved to accept the Mayor's Report and the Ad Hoc Policy Committee appointments, seconded by Cheney. Motion passed on a 9-0 vote.

11. UNFINISHED BUSINESS

A. ORDINANCES IN THE 2ND READING
NONE

C. RESOLUTIONS

1. REVOCATION OF CERTAIN POLE LICENSES OF VERIZON. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST. (TO BE REMOVED FROM THE TABLE)

Hindle moved to remove from the table, seconded by DeDe. Motion passed on a 9-0 vote.
Hindle moved to adopt, seconded by Ciotti.

Joyal reviewed the history of this resolution thus far and stated that he has been trying to get a hold of the contact people for Verizon but people have been on vacation. He would like to table this until a meeting can be set up. He stated that they have still been moving poles but there are still 10 or so to go.

DeDe moved to table to August 9, 2006 meeting, seconded by Cheney.
Motion passed on a 9-0 vote.

12. NEW BUSINESS

A. CONSENT CALENDAR

Trefethen asked that #3 and 4 be removed.
Scott asked that #5 be removed.

Hindle moved to grant items 1 and 2 and to accept committee reports, seconded by DeDe.
Motion passed on a 9-0 vote.

1. BLOCK PARTY PERMIT – ELLIOT PARK
2. BLOCK PARTY PERMIT – FLORENCE STREET



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**3.RESOLUTION RE: AWARD OF BID #B06087 FOR PLAYGROUND EQUIPMENT.
 SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.**

Hindle moved to adopt, seconded by Ciotti.

Trefethen stated that he asked for this to be removed mainly because he doesn't know where this park is located and has tried to find it.
 Joyal explained that it is located between Portland Avenue and Hancock Street on the left hand side before going up the hill.
 Keays stated it has been there for a hundred years.

Motion passed on a 9-0 roll call vote.

4. RESOLUTION RE: AWARD OF CHANGE PURCHASE ORDER FOR A DUPLEX BASKET STRAINER – WWTP POTABLE WATER PUMP SYSTEM. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Trefethen explained that he pulled this from consent because he feels it is important that this is done to help the odor problem that exists and he is in favor of this resolution.
 Motion passed on a 9-0 roll call vote.

5.RESOLUTION RE:AWARD OF BLANKET PURCHASE ORDER FOR MISCELLANEOUS PRE-CAST CONCRETE STRUCTURES AND ACCESSORIES. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Scott explained that he removed this because there was no amount in the background of what was spent last year.
 Community Services Director Doug Steele stated \$15,000 to \$20,000 a year.
 Scott stated he would like that information included in the background.
 Motion passed on a 9-0 roll call vote.

COMMITTEE REPORTS

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| 1. Appointments Committee | 8. City / School Joint Service Committee |
| 2. Arena Committee | 9. Solid Waste Advisory Committee |
| 3. Arts Commission | 10. Transportation Advisory Committee |
| 4. McConnell Center Committee | 11. Joint Building Committee |
| 5. Planning Board – Councilor D. Trefethen | 12. Recreation Advisory Board |
| 6. Cable Franchise Negotiations Committee | 13. COAST Bus |
| 7. School Board Liaison | |



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B. RESOLUTIONS

1. **2007-2008 LOCAL GOVERNMENT CENTER LEGISLATIVE POLICY ADOPTION.** SPONSORED BY MAYOR SCOTT MYERS.

DeDe moved to table to August 9, 2006 meeting, seconded by Cheney.
Motion passed on a 9-0 vote.

Hindle moved to adopt, seconded by DeDe.

Mayor Myers explained that the Local Government Center via the NH Municipal Association monitors legislative bills of interest and provides legislative advocacy representing the collective interests of the municipalities in the State of NH. He stated that every community will have one vote at the NHMA Legislative Policy Conference in the fall. He stated that the recommendations attached address various issues, one of which is Councilor Scotts' concern with pensions. This recommendation is asking for municipality representatives which there are none at this time. Myers stated he would like to know how the Council would like to approach this, as a consent calendar type document or each items separately.

Scott stated that this group does good work but feels that the legislature should work on these issues. He gave an example of former Manager Beecher asking him to support the pole tax when he was a State legislator but he didn't support it. He stated that people can follow any of the legislation they want to and testify at the public hearings.

Discussion ensued as to how to proceed.

DeDe stated that this is too much to discuss in one evening and suggested having a workshop. He would like to amend item #1 of the General Government, Revenue and Intergovernmental Relations portion of the recommendation by adding parity to the board for employers and then treat the rest of the document as a consent calendar type document and pull only those that need discussion.

Myers agrees but added that he would like to resolve item #1 as stated above sooner than later so that he can call other Mayors and have them do a similar amendment so that it is supported at the conference in the fall.

Hindle does not want to vote on this document in a piecemeal fashion.
Hindle moved to table, no second.

DeDe moved to divide the question and vote on item #1 and refer rest of document to a workshop on August 2nd, seconded by Ciotti.
Motion passed on a 9-0 vote.



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DeDe moved to amend #1 by deleting “with a seat” from the first sentence and replacing with “parity to the number of employee representatives”, seconded by Hindle. Motion passed on a 9-0 vote.

DeDe moved to adopt item #1 as amended and refer remainder to workshop on August 2nd, seconded by Hindle. Motion passed on a 9-0 vote.

2. DEEDING A PORTION OF VENTURE DRIVE TO THE DOVER BUSINESS AND INDUSTRIAL DEVELOPMENT AUTHORITY (DBIDA). SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Trefethen stated the Planning Board has already approved the lot line adjustments.

Ciotti stated that for the record he is the owner of lot 11D-5 in Enterprise Park but has no conflict of interest and doesn't know anyone at Heine USA.

Scott stated this is a reasonable plan, but asked how much are they paying.

Business Assistance Director Beth Thompson stated they are paying \$42,500 per acre for an approximate total of \$190,000.

Joyal stated they also have to pay for a new road and then any new tenants after this will have to reimburse them for it.

Motion to adopt passed on a 9-0 roll call vote.

3. PARKING EASEMENT DEED – JOHN FLYNN. SPONSORED BY MAYOR SCOTT MYERS BY REQUEST.

Hindle moved to adopt, seconded by Ciotti.

Councilor Scott recused himself as John Flynn is his neighbor.

Keays stated that this used to be Water Department land and it was top notch land but once the city moved out it was never taken care of. He feels that \$8,500 is too cheap to sell this as it is right on Central Avenue and should be more like \$25,000.

Joyal stated it is \$20,000.

Myers stated we are talking about .08 acres.

Trefethen explained that we are granting an easement and not selling it.

Joyal stated that is correct and we still maintain the utilities.

Ciotti stated that he wants to make sure that only one of the 2 curb cuts on the property are going to be used as access to the property.

Krans clarified that there will only be one entrance.

Motion passed on a 5-3 roll call vote, Keays, Turner and Cheney opposed, Councilor Scott recused from voting.



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**C. ORDINANCES IN THEIR FIRST READING:
NONE**

D. COUNCIL CORRESPONDENCE

1. WETLANDS APPLICATION – KEVIN COOPER
2. WETLANDS APPLICATION - 171 WATSON ROAD OF DOVER HOLDING CORP.
3. WETLANDS APPLICATION – CITY OF DOVER – NEW ROCHESTER RD, RTE 108
4. WETLANDS APPLICATION – APRIL MOYER
5. WETLANDS APPLICATION – CITY OF DOVER – BLACKWATER ROAD

Hindle moved to accept and place on file, seconded by Ciotti.
Motion passed on a 9-0 vote.

13. COUNCIL MATTERS OF INTEREST

Trefethen began by stating that there was recently a fire on Bay View Road and another fire 8 months ago in the same area and both were hampered by lack of water service in that area. He stated that back in the 1980s – 1990's Dover had a very stringent fire suppression ordinance which caused a lot of problems and was eventually repealed. So realizing that we can learn from that he has asked that a "sprinkler" ordinance be drafted that won't be so heavy-handed but will provide a level of safety to those without water service. He stated that this will address new construction and not remodeling.

Keays stated he got a call from a Glenwood Avenue resident who is concerned that the contractor doing the work up there doesn't know what they are doing. He wonders why the City Manager has put a private engineer up there instead of one of our own that we already pay. He stated when the vote for this was taken there was no mention of hiring an additional engineer.

Joyal explained that the volume of work for our engineers doesn't allow for them to be onsite at these projects but that the private engineer does report directly to our City engineers.

Keays stated he also wanted to have the curbing bumped out up there as a traffic calming measure but was told no and he is concerned that it will become a speedway.

Joyal stated that traffic calming measures are looked at by the Planners but this project was designed right after the Back Road issue and neighborhood meetings were held for input and this wasn't added. He stated that to do it now would be a change order.

Scott reminded everyone that the Ward 3 Speak Out Dover will be held tomorrow night, July 27th at St. Thomas Aquinas on Dover Point Road.

14. ADJOURN

Hindle moved to adjourn at 9:10 p.m., seconded by Ciotti. Motion passed unanimously.